

Practitioner's Docket No. U 013212-4

CHAPTER II

IN THE UNITED STATES ELECTED OFFICE (EO/US)

NL99/00453 July 15, 1999 July 16, 1998  
INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED

Process to Collect Metabolites ....  
TITLE OF INVENTION

J. Creemers, et al.  
APPLICANT(S)

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: EO/US

COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371

(check and complete the applicable item, if applicable)

- [X] This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).  
[X] A copy of FORM PCT/DO/EO/905 accompanies this response.

CERTIFICATION UNDER 37 C.F.R. 1.10\*

(Express Mail label number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service on this date Oct 22, 2001, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EV 01101771PUS, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FORNIE HANUCCI  
(type or print name of person mailing paper)

[Signature]  
Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**WARNING:** Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 C.F.R. § 108(2)(xi).

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.495(g).

### DECLARATION OR OATH

- I. (a) ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

OR

- (b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

**NOTE:** For surcharge fee for filing declaration after filing date complete item IV(3)

**NOTE:** Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If the identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

**NOTE:** See 37 C.F.R. § 1.41(a).

(complete as applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.
- (e) ☐ Statement that substitute specification contains no new matter.
- (f) ☒ Preliminary Amendment
- (g) ☐ Transmittal of Formal Drawing(s) Prior to Notice of Allowance

## AMENDMENT

II.

(complete as applicable)

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.  
☐ The attached amendment cancels claims \_\_\_\_\_ inclusive.

### TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- III. ☐ Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. 1.495(c))

NOTE: For fee for processing a non-English application, complete item IV(4).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).

## FEES

IV.

NOTE: See 37 C.F.R. § 1.28(a).

1. Fees for claims

- ☐ each independent claim in excess of 3  
(37 C.F.R. § 1.492(b))—\$84.00; small entity—\$42.00 \$ \_\_\_\_\_
- ☐ each claim in excess of 20  
(37 C.F.R. § 1.492(c))—\$18.00; small entity—\$9.00 \$ \_\_\_\_\_
- ☐ multiple dependent claims(s)  
(37 C.F.R. § 1.492(d))—\$280.00; small entity—\$140.00 \$ \_\_\_\_\_

2. Surcharge fees

- ☒ surcharge set forth in 37 C.F.R. § 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 \$ 130.00

NOTE: The processing fee in the next item 3 below is not subject to a reduction for small entity status.

3. ☐ processing fee set forth in 37 C.F.R. § 1.492(f) for acceptance of an English translation later than 30 months after the priority date—\$130.00 \$ \_\_\_\_\_

**Total Fees** \$ \_\_\_\_\_

**TOTAL FEE DUE**

**VII.**

The total fee due is:

Completion fee(s) \$130.00\_\_\_\_\_

Extension fee (if any) \$\_\_\_\_\_

TOTAL FEE DUE \$\_\_\_\_\_

**PAYMENT OF FEES**

**VIII.**

☐ Enclosed is a check in the amount of \$\_\_\_\_\_

☒ Charge Account No. 12-0425 in the amount of \$ 130.00

☐ A duplicate of this request is attached.

**NOTE:** Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

**IX.**

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425

☒ 37 C.F.R. § 1.492(a)(1), 1.492(a)(4) (filing fees)

☐ 37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

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- ☒ 37 C.F.R. § 1.17 (application processing fees)
- ☒ 37 C.F.R. § 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a)).
- ☒ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

**NOTE:** *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).*

**NOTE:** *37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

- ☐ 37 C.F.R. § 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date.

**WARNING:** *It would be wise to always check this last authorization.*

  
\_\_\_\_\_  
**SIGNATURE OF PRACTITIONER**

Reg. No.:

William R. Evans  
(type or print name of practitioner)

Tel. No.: (    )

\_\_\_\_\_  
P.O. Address

Customer No.:

\_\_\_\_\_  
c/o Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jantina CREEMERS, et al

Serial No.: 09/743,885

Group No.:

Filed: January 16, 2001

Examiner:

For: PROCESS TO COLLECT METABOLITES FROM MODIFIED NECTAR BY INSECTS

**Box Sequence**

Assistant Commissioner for Patents

Washington, DC 20231

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE**

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

37 CFR 1.8(a)

- ☐ with sufficient postage as first class mail.

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

37 CFR 1.10\*

as "Express Mail Post Office to Address"  
Mailing Label No. **EV011019710US** (mandatory)

Signature

CLIFFORD J. MASS

(Type or print name of person certifying)

Date: October 22, 2001

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(check and complete this item, if applicable)

1. ☒ This replies to the Office Letter dated January 25, 2001

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Office Letter is enclosed.

#### IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Clifford J. Mass

(Type or print name of person signing below)

state the following:

#### ITEMS BEING SUBMITTED

3. Submitted herewith is/are

(check each item as applicable)

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 CFR § 1.821(c) and 37 CFR §§ 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 CFR § 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 CFR §§ 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 CFR § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.: 0 /

Filed:

For:

Group No.:

Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

"Sequence Identifier"

(other applications)

(this application)

*NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 CFR 1.821(e).*

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 CFR § 1.821(g).
- ☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 CFR § 1.821(b).
- F. ☒ Because this submission is made in fulfilling the requirement under 37 CFR § 1.821(g), a statement that the submission includes no new matter.
- ☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 CFR § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.



### SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity

NOTE: See 37 C.F.R. § 1.28(a).

*(check and complete applicable items)*

☐ is attached.

☐ A separate refund request accompanies this paper.

### EXTENSION OF TIME

*(complete (a) or (b), as applicable)*

#### VI.

The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input checked="" type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$ 1,440.00	\$ 720.00
<input type="checkbox"/>	five months	\$ 1,960.00	\$ 980.00

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Fee: \$ 920.00

01 FC:117

920.00 0P

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☒ An extension for 3 months has already been secured. The fee paid therefor of \$ 920 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

or

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## STATUS

5. Applicant is

- ☐ a small entity. A statement:
- ☐ is attached.
- ☐ was already filed.
- ☒ other than a small entity.

## EXTENSION OF TERM

6.

**NOTE:** *"Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).*

**NOTE:** *See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.*

7. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

*(complete (a) or (b) as applicable)*

- (a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$110.00	\$ 55.00
<input type="checkbox"/> two months	\$400.00	\$ 200.00
<input checked="" type="checkbox"/> three months	\$920.00	\$ 460.00
<input type="checkbox"/> four months	\$1,440.00	\$ 720.00

**Fee \$ 920.00**

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### FEE PAYMENT

8. ☒ Attached is a check in the sum of \$920.00  
☐ Charge Account No. 12-0425 the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

#### FEE DEFICIENCY

9.

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

10. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425.

**SIGNATURE(s)**

Clifford J. Mass  
*(Type or print name of person signing statement)*

**Signature**

Date: October 22, 2001

Clifford J. Mass  
Reg. No. 30,086  
c/o Ladas & Parry  
26 West 61 Street  
New York, NY 10023  
Tel. No.: (212) 708-1890

*(If applicable)*

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☐ Attorney or agent record
- ☒ Filed under Rule 34(a)
- ☐ Other \_\_\_\_\_

*(specify identity of person signing)*

*(complete the following, if applicable)*

\_\_\_\_\_  
*(Type name of assignee)*

\_\_\_\_\_  
Address of assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

A "STATEMENT UNDER 37 CFR 3.73(b)" is attached.

Assignment recorded in PTO on \_\_\_\_\_  
Reel \_\_\_\_\_ Frame \_\_\_\_\_



\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No.

\_\_\_\_\_  
(Type or print name of practitioner)

Tel. No.: (    )

\_\_\_\_\_  
P.O. Address

Customer No.:

\_\_\_\_\_